

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 10, 1999 at 8:00 A.M., in Room 312 - 2 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 190, SB 153, SB 232, SB 171, 3/2/1999

Executive Action: SB 250-Tabled, SB 243-Be
Concurred in as Amended

HEARING ON SB 190

Sponsor:

Senator Halligan presented SB 190.

{Tape : 1; Side : A; Approx. Time Counter : 26 - 38}

Proponents:

Greg Petesch, Code Commissioner

{Tape : 1; Side : A; Approx. Time Counter : 38 - 53}

Opponents:

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 53 - 166}

Closing by Sponsor:

Senator Halligan made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 166 - 183}

HEARING ON SB 153

Sponsor:

Senator Halligan presented SB 153.

{Tape : 1; Side : A; Approx. Time Counter : 183 - 240}

Proponents:

Joe Mazurek, Attorney's General Office

{Tape : 1; Side : A; Approx. Time Counter : 240 - 443}

EXHIBIT (juh54a0

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Dan White, Secretary of State, Legal Council

{Tape : 1; Side : A; Approx. Time Counter : 443 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 28}

John Cadby, Montana Banker's Association

{Tape : 1; Side : B; Approx. Time Counter : 28 - 45}

Bob Pfeiffer, Montana Credit Union League

{Tape : 1; Side : B; Approx. Time Counter : 45 - 75}

Keith Colbo, Montana Independent Bankers Association

{Tape : 1; Side : B; Approx. Time Counter : 75 - 83}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 83 - 436}

Closing by Sponsor:

Senator Halligan made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 436 - 550}

HEARING ON SB 232

Sponsor:

Senator DePratu presented SB 232.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 22}

Proponents:

George Bennett, Montana Banker's Association

{Tape : 2; Side : A; Approx. Time Counter : 22 - 86}

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EXHIBIT (juh54a0

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Gerald Kreig, Attorney

{Tape : 2; Side : A; Approx. Time Counter : 86 - 151}

Bob Pfeiffer, Montana Credit Union Leagues

{Tape : 2; Side : A; Approx. Time Counter : 151 - 163}

Keith Colbo, Montana Independent Bankers Association

{Tape : 2; Side : A; Approx. Time Counter : 163 - 167}

John Cadby, Montana Bankers Association

{Tape : 2; Side : A; Approx. Time Counter : 167 - 180}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 180 - 433}

Closing by Sponsor:

Senator DePratu made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 433 - 550}

HEARING ON SB 179

Sponsor:

Senator Holden presented SB 179.

{Tape : 2; Side : B; Approx. Time Counter : 0 - 22}

Proponents:

Greg Petesch, Code Commissioner

{Tape : 2; Side : B; Approx. Time Counter : 22 - 67}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 67 - 110}

Closing by Sponsor:

Senator Holden made closing statements.

{Tape : 2; Side : B; Approx. Time Counter : 110 - 124}

EXECUTIVE ACTION ON SB 250

Motion: REP. MCGEE moved that SB 250 BE CONCURRED IN.

Motion/Vote: REP. MCGEE moved that SB 250 BE AMENDED. Motion carried 20-0.

Motion/Vote: REP. MCGEE moved that SB 250 BE CONCURRED IN AS AMENDED. (THEN ALSO ADDED A TABLE MOTION BASED ON SB 243 PASSAGE OR FAIL. REP. MCGEE LATER WITHDREW THE TABLE MOTION.) Motion carried 20-0.

{Tape : 2; Side : B; Approx. Time Counter : 124 - 348}

EXECUTIVE ACTION ON SB 243

Motion: REP. MCGEE moved that SB 243 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 243 BE AMENDED. Motion carried 16-4 with Gutsche, Hurdle, Kitzenberg, and Wyatt voting no.

Motion: REP. MCGEE moved that SB 243 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. MCGEE moved that SB 243 BE AMENDED. Motion failed 9-11 with P. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Noennig, Soft, Williams, and Wyatt voting no.

Motion/Vote: REP. SOFT moved that SB 243 BE AMENDED. Motion carried 16-3 with Clark, Jore, and Kitzenberg voting no. (Rep. McGee absent during voting.)

Motion/Vote: REP. MOLNAR moved that SB 243 BE AMENDED. Motion failed 8-11. (voice vote)

Motion/Vote: REP. ANDERSON moved that SB 243 BE CONCURRED IN AS AMENDED. Motion carried 13-7 with Ahner, R. Clark, Curtiss, Jore, McGee, Molnar, and Younkin voting no.

{Tape : 2; Side : B; Approx. Time Counter : 348 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 240}

EXECUTIVE ACTION ON SB 250

Motion/Vote: REP. FACEY moved that-RECONSIDER SB 250-Then moved SB 250 BE TABLED. Motion carried 14-6 with Ahner, Curtiss, Molnar, Williams, Wyatt, and Younkin voting no.
{Tape : 3; Side : B; Approx. Time Counter : 240 - 251}

Rep. Wyatt addressed the committee with the suggestion of the House Judiciary committee proposing a "Study Resolution" to address the "Magellan Health Care System" issue.

Her main points of interest to resolve would be:

1. testing of a pilot program
2. need to assess claims data
3. outside consultants oversight
4. more staff with audit capacity
5. in-state processor
6. establish committee during the transition process

Obviously, this Study Resolution would be a "Post Mortem" process. Additionally, needing to be addressed is the \$12M bond in escrow that may be at risk.

Rep. Soft informed the committee that he had just been in a House Appropriations Sub-Committee on 3/9/99 that formulated a list of guidelines such as

1. regional fee systems
2. managed care systems
3. pharmacy still available
4. consumer input
5. outcome of reporting
6. not as lengthy contract as 5 yrs.
7. regulating procedures
8. audit or finance committee

Apparently 4 attorneys groups will be meeting shortly to address these issues.

After much discussion and debate over the committee voted that the resolution by **Rep. Wyatt** proceed. 17 members agreed with **Rep. Molnar** and **Rep. Jore** not voting and **Rep. McGee** absent during voting.

Meeting adjourned.

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ADJOURNMENT

Adjournment: 11:41 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh54aad)